



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

APR 29 2002

OFFICE OF  
CIVIL RIGHTS

**RETURN RECEIPT REQUESTED**  
**Certification No. 7000-1530-0006-1727-9327**

**In Reply, Refer To:**  
**EPA/OCR File No. 04R-02-R9**

[REDACTED]  
Community Co-chairman  
Restoration Advisory Board  
Bellows Air Force Base  
[REDACTED]  
[REDACTED]

**Re: NOTIFICATION OF REJECTION OF ADMINISTRATIVE COMPLAINT**

Dear Mr. [REDACTED]:

The purpose of this letter is to notify you that the U.S. Environmental Protection Agency (EPA) Office of Civil Rights (OCR) will not investigate the Title VI complaint, dated March 12, 2002, that you filed on behalf of yourself as Co-chairman of the Bellows Air Force Base Restoration Advisory Board (RAB). Your complaint alleges that the U.S. Air Force, the U.S. Marine Corps, and possibly other Federal agencies discriminated against you in your capacity as the RAB Co-chairman.

OCR is responsible for investigating complaints of discrimination filed with EPA under Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d *et seq.*, (Title VI) and EPA's Title VI implementing regulations, 40 C.F.R. Part 7. Title VI prohibits discrimination based on race, color or national origin under programs or activities that receive Federal financial assistance. EPA's Title VI regulations prohibit discrimination in programs or activities that receive financial assistance from EPA. (A copy of EPA's nondiscrimination regulations is enclosed for your convenience.)

To be accepted for investigation, a complaint must meet the requirements in EPA's regulations at 40 C.F.R. § 7.120. First, it must be in writing. Second, it must describe an alleged discriminatory act based on race, color, or national origin. Third, it must be filed within 180 calendar days of the alleged discriminatory act. And, finally, it must be filed against a recipient of financial assistance from EPA.

Title VI only applies to the programs and activities of recipients of Federal financial assistance, not to Federal agencies. The definition of "program or activity" in Title VI, for example, includes state and local governments, institutions of higher education, and businesses, but not Federal agencies. EPA, therefore, does not have the authority to investigate other Federal agencies, and your complaint falls outside the applicability of Title VI. (For additional information on Title VI and EPA's Title VI policies, see OCR's website at [www.epa.gov/civilrights/](http://www.epa.gov/civilrights/), including EPA's draft Title VI guidance documents that were published in the *Federal Register* on June 27, 2000, especially at 65 F.R. 39669 and 39690.)

If you have any questions, please contact Tom Born in OCR by telephone at 202-564-7294, or by mail at: U.S. EPA, Office of Civil Rights (Mail Code 1201A), 1200 Pennsylvania Ave., NW, Washington, D.C. 20460-1000.

Sincerely,

  
Karen Higginbotham  
Acting Director

Enclosure

cc: Rafael DeLeon, Associate General Counsel  
Office of Civil Rights Law (MC 2311)  
(W/ copy of complaint)

Barry E. Hill, Director  
Office of Environmental Justice (MC 2201A)  
(W/ copy of complaint)

Jo Ann Asami, Title VI Contact  
EPA Region 9  
(W/ copy of complaint)